

HAWAII ADMINISTRATIVE RULES

TITLE 2

OFFICE OF THE LIEUTENANT GOVERNOR

SUBTITLE 4 ELECTIONS

CHAPTER 54

VOTING SYSTEMS

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Historical note: Chapter 2-54 is based substantially upon Chapter 2-35 [Eff 9/13/82; am 7/30/84; am 9/12/88; R SEP 16 1996]

§2-54-1 Approval of all voting equipment, materials, and procedures. The chief election officer or designated representative shall approve all necessary forms, supplies, and procedures used in the operation of any voting system after consultation with the respective clerks.

[Eff and comp SEP 16 1996] (Auth: HRS §11-4) (Imp: HRS §§11-4, 16-1, 16-2)

§2-54-2 County elections; assistance. In county elections, the clerk may request the assistance of the chief election officer and staff in administering and utilizing the voting system.

[Eff and comp SEP 16 1996] (Auth: HRS §11-4) (Imp: HRS §11-4)

§2-54-3 Elections services; provision and charges.

(a) The chief election officer may provide election related services and equipment to government and private non-profit organizations to assist with the conduct of elections or surveys subject to the following conditions:

- (1) A request is made on a form provided by the chief election officer;
- (2) The provision of such elections services or equipment does not interfere with the preparation for, or conducting of any primary, special primary, general, or special general election;
- (3) The services or equipment are not utilized in connection with any activity or message intended to influence the outcome of any race or question in any primary, special primary, general, or special general election;
- (4) The requesting party directly assumes all costs associated with the conducting of the election or survey other than those associated with the personnel and equipment of the chief election officer; and
- (5) The requesting party agrees to reimburse the chief election officer for an amount not to exceed the actual costs associated with the personnel and equipment utilized, provided that, this requirement may be waived in writing by the chief election officer.

[Eff and comp SEP 16 1996] (Auth: HRS §11-4) (Imp: HRS §16-3)

§2-54-4 Testing computer programs and related equipment; electronic voting system. (a) Prior to election day, the programs prepared for tabulating the votes shall be tested in the presence of all the following persons:

- (1) The chief election officer, clerk, or designated representative;
- (2) The official observers; and

- (3) Other authorized interested persons, as space permits.
- (b) The official logic and accuracy test shall include a predetermined number of votes for each candidate and for and against each question and a predetermined number of excess or "over" votes and blank votes for each candidate or question.
 - (1) Each official observer and other authorized persons may also prepare a logic and accuracy test to test the ballot counting program;
 - (2) A program shall not be approved unless it produces the exact count of all votes, rejects all improper votes, and meets all other test criteria;
 - (3) After the official logic and accuracy test has been conducted satisfactorily, all test votes, test results, and the computer programs tested shall be kept in sealed containers and shall not be removed from such containers except in the presence of two or more official observers not of the same political party or organizational affiliation;
 - (4) The official observers at the test shall sign a certification stating that the program was tested, found accurate, and approved;
 - (5) The official logic and accuracy test shall be performed on all computers to be used for elections; and
 - (6) In the case of punchcard ballots, the logic and accuracy test shall also be conducted on election day before the counting of ballots, during the day at the request of official observers, and after the counting of all ballots.
- (c) In the event of a computer malfunction, the logic and accuracy test shall be rerun upon completion of the maintenance or corrective work. No further computer processing shall be processed until the test indicates that the computer is working properly.
[Eff and comp SEP 16 1996] (Auth: HRS §11-4) (Imp: HRS §§16-42, 16-43, 16-45)

§2-54-5 Experimental voting systems; rules and procedures. In an election where the chief election

officer experiments with voting systems of a different kind all rules which can be reasonably applied to that system shall be followed. Temporary procedures shall be used as required for the experimental voting systems only. Nothing herein is to be used to diminish, take away or otherwise impair the rights of the voter.

[Eff and comp SEP 16 1996] (Auth: HRS §11-4) (Imp: HRS §16-1)

§2-54-6 Experimental voting systems; public information program. Before elections in which a new voting system is to be used, the chief election officer or clerk shall conduct a public information program to acquaint voters who will be using the voting system with the manner in which votes are cast and counted.

[Eff and comp SEP 16 1996] (Auth: HRS §11-4) (Imp: HRS §§11-4, 16-1)